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Counterdefendants
ALPHA & OMEGA SEMICONDUCTOR,
INC.
ALPHA & OMEGA SEMICONDUCTOR,
LTD.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ALPHA & OMEGA SEMICONDUCTOR,
INC., a California corporation; and
ALPHA & OMEGA SEMICONDUCTOR,
LTD., a Bermuda corporation,

Plaintiffs and Counterdefendants,

v.

FAIRCHILD SEMICONDUCTOR
CORP., a Delaware corporation,

Defendant and Counterclaimant.

AND RELATED COUNTERCLAIMS

Case No. C 07-2638 JSW (EDL)
(Consolidated with Case No. C 07-2664 JSW)

**STIPULATION AND [PROPOSED]
ORDER GRANTING LEAVE TO AMEND
DISCLOSURES UNDER THE PATENT
LOCAL RULES**

STIPULATION

WHEREAS Alpha & Omega Semiconductor, Inc., Alpha & Omega Semiconductor, Ltd. (collectively "AOS") and Fairchild Semiconductor Corporation ("Fairchild") are parties to the above-captioned matters.

WHEREAS, on August 31, 2007, Fairchild served preliminary infringement contentions ("PICs") for U.S. Patent Nos. 6,429,481 ("the '481 patent"), 6,521,497 ("the '497 patent"), 6,710,406 ("the '406 patent"), and 6,828,195 ("the '195 patent") that accused AOS open cell design and closed cell design products of infringing certain claims of these patents.

WHEREAS, on February 25, 2008, Fairchild informed AOS that Fairchild discovered during the claim construction proceedings in this action that, in Fairchild's view, AOS closed cell design products accused of infringement in the PICs infringe claims of the patents that Fairchild had originally asserted only against AOS products with an open cell design.

WHEREAS, Fairchild seeks to amend the PICs to reflect that the following claims, which were originally asserted only against AOS products with an open cell design, are also infringed by AOS products with a closed cell design: claims 6-8, 10, 11, and 21 of the '481 patent; claims 8 and 9 of the '497 patent; claims 13-15, 17, and 25-32 of the '406 patent; and claims 15-17 of the '195 patent (hereinafter "the subject claims").

WHEREAS, in the PICs served on August 31, 2007, Fairchild asserted other claims against AOS closed cell design products. Fairchild's proposed amended PICs therefore do not add any new claims or accused products to the action.

WHEREAS, Fairchild served a copy of its proposed amended PICs on AOS on February 25, 2008.

WHEREAS, AOS contends Fairchild's proposed amendment reflects a broader interpretation of the subject claims, raising the possibility that, in AOS's view, additional prior art falls within those patent claims (under Fairchild's new interpretation), and that this broader interpretation of the subject claims may raise additional disputes regarding claim construction.

IT IS THEREFORE STIPULATED by and between the parties, through their undersigned counsel of record, that pursuant to Patent Local Rule 3-7,

1 (a) Fairchild shall be permitted to amend its preliminary infringement contentions to
2 reflect the changes described above;

3 (b) the amended preliminary infringement contentions Fairchild served on
4 February 25, 2008, shall constitute its preliminary infringement contentions in this action for the
5 '481, '497, '406, and '195 patents;

6 (c) AOS is granted leave to amend its Patent L.R. 3-3, 4-1, 4-2, and 4-3 Disclosures
7 for the subject claims at issue in the amendments in Fairchild's amended preliminary infringement
8 contentions. Any amendments to AOS's Patent L.R. 3-3, 4-1, 4-2 and 4-3 Disclosures must be
9 necessitated solely by the new assertion of the subject claims against AOS closed cell design
10 products; and

11 (d) AOS may amend its Patent L.R. 3-3 Disclosures or its Patent L.R. 4-1 to 4-3
12 Disclosures, and, if AOS amends its Patent L.R. 3-3 Disclosures or any of its Patent L.R. 4-1 to
13 4-3 Disclosures, Fairchild may amend its Patent L.R. 4-1 to 4-3 Disclosures. Any amendments
14 by AOS or Fairchild must be made on the schedule set forth below. The amendments may relate
15 only to the amendments in Fairchild's amended preliminary infringement contentions, may only
16 include amendments regarding the subject claims, and will not affect the briefing and
17 construction of the ten highest priority claim terms that is currently underway:

- 18 • AOS's Patent L.R. 3-3 Disclosure (prior art): 30 days after the date of this Order;
- 19 • Patent L.R. 4-1 Disclosures (exchange of proposed terms for construction): 45
20 days after the date of this Order
- 21 • Patent L.R. 4-2 Disclosures (exchange of preliminary claim constructions and
22 extrinsic evidence): 60 days after the date of this Order; and
- 23 • Patent L.R. 4-3 Disclosures (joint claim construction statement): 75 days after the
24 date of this Order.

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26 IT IS SO AGREED AND STIPULATED.
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1 Dated: April 2, 2008

MORGAN, LEWIS & BOCKIUS LLP

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4 By: /s/
Andrew J. Wu
Attorneys for Plaintiffs and
5 Counterdefendants
ALPHA & OMEGA SEMICONDUCTOR,
6 LTD., AND ALPHA & OMEGA
SEMICONDUCTOR, INC.
7

8 Dated: April 2, 2008

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CREW LLP

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10
11 By: /s/
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12 Counterclaimant
FAIRCHILD SEMICONDUCTOR
13 CORPORATION
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[PROPOSED] ORDER

Pursuant to the parties' stipulation set forth above,

IT IS SO ORDERED.

Dated:

HON. ELIZABETH D. LAPORTE
UNITED STATES MAGISTRATE JUDGE

1 Pursuant to General Order No. 45, Section X(B) regarding signatures, I, Matthew R.
2 Hulse, attest that concurrence in the filing of this document has been obtained from each of the
3 other signatories. I declare under penalty of perjury under the laws of the United States of
4 America that the foregoing is true and correct. Executed this 2nd day of April, 2008, at
5 San Francisco, California.

6 /s/
7 Matthew R. Hulse
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